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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/475,991

12/30/1999

KENICHIRO SAKAI

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05/14/2004

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EXAMINER

CHANG, JON CARLTON

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/475,991

Applicant(s)

SAKAI ET AL.

Examiner

Jon Chang

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004 and 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11 and 13-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-11, 13-33 and 35-40 is/are allowed.
- 6) ☒ Claim(s) 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 6, 2004 has been entered.

Response to Applicant's Amendment and Arguments

2. The amendment filed February 6, 2004, has been entered and made of record.

In response to the amendment to the claims, the objection to the claims and the rejection under 35 U.S.C. § 112, second paragraph, are withdrawn.

Applicant's arguments, see pages 23-25, filed February 6, 2004, with respect to claims 15, 16, 28, 32-33, 38 and 39, have been fully considered and are persuasive. The rejections of these claims under 35 U.S.C. §§ 102(b) and 102(a) have been withdrawn.

Applicant's arguments on page 26 with regard to claims 35 and 40 have been fully considered and are persuasive. The rejection of these claims under 35 U.S.C. § 103(a) have been withdrawn.

Applicant's arguments on pages 23-25 and 26 with regard to claims 29 and 34 have been fully considered, but are not considered persuasive. The language which Applicant asserts is not taught by the prior art, is not present in claims 29 and 34. As

discussed in the last Office Action, Nakabayashi, Matsuda and Miyamoto all anticipate claim 34. However, upon further consideration, the rejection of claims 29-31 under 35 U.S.C. § 103, is withdrawn. On closer inspection of claim 29, it is noted that claim 29 includes "...detecting an overlapping position between the first and second documents images based on positions and sizes of character regions whose matching degrees are high by making a comparison between character regions..." This aspect of the claim is not taught or suggested by the prior art.

Claim Objections

3. Claim 38 is objected to because of the following informalities:

In claim 38, at line 9, "o£ " should be changed to "of".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 34 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,675,672 to Nakabayashi.

As to claim 34, Nakabayashi discloses a document image merging method, comprising:

partitioning first and second document images among a plurality of documents images which are partitioned and read, respectively into a plurality of vertical and horizontal regions (Fig.4; Fig.1, elements 28 and 30 obtain partitioned images of the document 32; note horizontal regions in Fig.4, and vertical regions in Fig.5);

extracting line images containing only character images from the plurality of regions (Fig.4; note the lines of character which are extracted in elements 82 and 84);

detecting an overlapping position between the first and second document images (Note dotted boxes in Figs.4 and 5) based on positions of the line images whose matching degrees are high by making a comparison between a character region of a line image in a region containing a plurality of line images (note that there are a lot of line images in Figs.4 and 5), of a plurality of regions in the first document image and a character region of a line image in a corresponding region of the second document image (comparison is made between the corresponding regions based on the coded characters, column 5, lines 36-37, column 2, lines 42-43); and

merging first and second document images at the overlapping position (column 5, lines 46-47; column 6, lines 3-5).

6. Claims 34 are rejected under 35 U.S.C. 102(a) as being anticipated by either one of the following two references: Japanese Published Patent Application 11-196255 to

Matsuda, or Japanese Published Patent Application 11-66234 to Miyamoto et al.
(hereinafter "Miyamoto").

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

As to claim 34, as best understood, Matsuda and Miyamoto disclose a document image processing device, comprising:

partitioning first and second document images among a plurality of document images which are partitioned and read, respectively into a plurality of vertical and horizontal regions (Matsuda, paragraph [0007], Fig.3(II); Miyamoto, paragraph [0001], Fig.7);

extracting line images containing only character images from the plurality of regions (Matsuda, Fig.3, note the lines of characters; Miyamoto, Fig.7, note the lines of characters);

detecting an overlapping position between the first and second document images based on positions of the line images whose matching degrees are high by making a comparison between a character region of a line image in a region containing a plurality of line images, of a plurality of regions in the first document image and a character region of a line image in a corresponding region of the second document and (Matsuda, paragraph [0007], Fig.3; Miyamoto, paragraph [0007] and [0010], Fig.7); and

merging the first and second document images at the overlapping position (Matsuda, paragraph [0007]; Miyamoto, paragraph [0007]).

Allowable Subject Matter


7. Claims 2-11, 13-33 and 35-40 are allowed.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon Chang whose telephone number is (703)305-8439. The examiner can normally be reached on M-F 8:00 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703)308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jon Chang
Primary Examiner
Art Unit 2623

Jon Chang
May 12, 2004